

## Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 DEAE-00 CIAE-00 INR-10 IO-13  
JUSE-00 NSAE-00 CTME-00 SNM-05 TRSE-00 ICA-11  
NSC-05 OES-07 OMB-01 AID-05 L-03 AGRE-00 DODE-00  
HEW-04 SS-15 /094 W

-----115498 050352Z /17

R 041938Z APR 78

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 9289

C O N F I D E N T I A L SECTION 01 OF 02 MEXICO 05439

EO 11652: GDS

TAGS: SNAR, MX

SUBJECT: NARCOTICS - NORML LAWSUIT

1. SUMMARY: ON MARCH 30, USG REPRESENTATIVES MET WITH GOM OFFICIALS TO DISCUSS IMPLICATIONS OF SUIT FILED BY NATIONAL ORGANIZATION FOR THE REFORM OF MARIJUANA LAWS (NORML), INCLUDING WIDER ASPECTS CONCERNING WHETHER NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA) APPLIES TO USG ASSISTANCE OUTSIDE THE UNITED STATES. GOM REPRESENTATIVES NOTED THAT MEXICO IS A SOVEREIGN COUNTRY, THAT NEITHER US LAW NOR US COURTS HAVE JURISDICTION IN MEXICO, THAT MEXICO'S DECISION TO USE HERBICIDES WAS TAKEN AFTER FULL CONSIDERATION OF ITS IMPACT ON MEXICAN ENVIRONMENT, AND THAT IN VIEW OF MEXICO'S INTERNATIONAL OBLIGATION TO SUPPRESS PRODUCTION OF ILLICIT NARCOTICS, ERADICATION CAMPAIGN WOULD CONTINUE WHETHER OR NOT USG PROVIDED ASSISTANCE. END SUMMARY.

2. ON MARCH 30, DEPARTMENT OFFICERS MATHEA FALCO (SENIOR ADVISER FOR NARCOTIC MATTERS), RICHARD ARELLANO (DEPUTY ASSISTANT SECRETARY OF STATE), LEE MARKS (DEPUTY LEGAL ADVISER), AND RICHARD DUGSTAD (S/NM), ACCOMPANIED BY CONFIDENTIAL

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DCM HERBERT B. THOMPSON, NARCOTICS ASSISTANCE ATTACHE CAESAR P. BERNAL, AND SPECIAL ASSISTANT JOSEPH D. MCLAUGHLIN, MET WITH MEXICAN OFFICIALS TO DISCUSS NORML LAWSUIT. ATTORNEY GENERAL (AG) OSCAR FLORES MET GROUP BRIEFLY. THREE-HOUR MEETING WAS CHAIRED BY SECOND DEPUTY AG SAMUEL ALBA-LEYVA AND INCLUDED FOLLOWING GOM PARTICIPANTS: AG EXECUTIVE OFFICER FERNANDO

BAEZA; JESUS YANEZ-ORVIZ, ADVISER TO EXECUTIVE OFFICER; MARIANO MANCERA-SUAREZ, AG DIRECTOR OF ADMINISTRATION; SERGIO ZAPATA-IBARRA, AG CHIEF OF RECONNAISSANCE AND VERIFICATION; ARMANDO LOPEZ-SANTIBANEZ, AG DIRECTOR OF NARCOTICS CONTROL; CARLOS DENAVIA, TECHNICAL ADVISER TO AG NARCOTICS CONTROL UNIT; JORGE GUTIERREZ-SAMPERIO, DIRECTOR GENERAL OF PLANT HEALTH, MINISTRY OF AGRICULTURE; MARCO ANTONIO MARTINEZ, CHIEF, DEPARTMENT OF PESTICIDES, MINISTRY OF AGRICULTURE; AND VINCENTE HIDALGO, CENTRAL PESTICIDE LABORATORY, MINISTRY OF AGRICULTURE. ALSO PRESENT, AT GOM INVITATION, WERE FOLLOWING REPRESENTATIVES OF FIRMS WHICH SUPPLY HSRBICIDES TO THE AG: DAVID F. BLOWS, DIRECTOR OF THE AGRICULTURAL DIVISION OF ICI DE MEXICO; TIBURCIO YBARRA, OFFICE OF PUBLIC RELATIONS, ICI DE MEXICO; LUIS VASQUEZ-NORIEGA, ICI DISTRIBUTOR; AND JOSEPH GERONIMO AND JORGE FENYEUSI OF DOW QUIMICA MEXICANA.

3. USG REPRESENTATIVES EXPLAINED NEPA PROVISIONS IN GENERAL, INCLUDING UNRESOLVED ISSUE OF EXTRATERRITORIALITY, AND THEN DESCRIBED IN DETAIL COMPLAINT FILED BY NORML. THEY EXPLAINED THAT PURPOSE OF MEETING, FROM USG PERSPECTIVE, WAS TO EXPLORE VARIOUS OPTIONS AND DETERMINE LIKELY GOM REACTION TO COURSES OF ACTION WHICH WOULD FLOW FROM OPTIONS.

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4. AFTER CONSIDERABLE QUESTIONING BY GOM OFFICIALS ABOUT VARIOUS LEGAL POINTS, BAEZA SAID THAT MEXICO IS COMPELLED BY ITS OWN LAWS AND BY INTERNATIONAL AGREEMENTS, AMONG THEM THE 1961 SINGLE CONVENTION TO WHICH UNITED STATES IS ALSO A PARTY, TO ATTACK ILLICIT CROPS SUCH AS POPPY AND MARIJUANA. HE SAID THAT IN THE LAST YEAR MORE THAN 70,000 SUCH CROPS HAD BEEN DESTROYED AND THAT THEIR NUMBER AND DISPERSION REQUIRED MORE THAN MANUAL DESTRUCTION TECHNIQUES. FOR THIS REASON, GOM LOOKED AT VARIOUS OPTIONS AND CONCLUDED THAT THE USE OF HERBICIDES APPROVED FOR AGRICULTURAL USE IN MEXICO WAS THE BEST ALTERNATIVE. HE STATED THAT THE DECISION WAS NOT A "REFLEX ACTION" BUT WAS TAKEN ONLY AFTER A MINUTE STUDY OF THE PROS AND CONS OF USING ANY HERBICIDE. IN MAKING ITS DECISION, THE AG'S OFFICE HAD CONSULTED ALL AGENCIES OF THE MEXICAN GOVERNMENT WHICH HAD KNOWLEDGE OF HERBICIDES, INCLUDING THE DIRECTORATE OF PLANT HEALTH IN THE MINISTRY OF AGRICULTURE AND THE SUBSECRETARIAT OF THE ENVIRONMENT IN THE MINISTRY OF HEALTH. HE ASSERTED THAT "NO ONE IS MORE CONCERNED THAN THE GOM WITH MEXICAN HEALTH AND ENVIRONMENT". HE ACKNOWLEDGED THAT IN ALL DEMO-

CRACIES SUCH AS MEXICO AND THE UNITED STATES ALL CITI  
ZENS HAVE THE RIGHT TO BE HEARD, "INCLUDING THE  
FRIVOLOUS LIKE THE CASE UNDER DISCUSSION". (AT THIS  
POINT ALBA-LEYVA NOTED THAT MEXICAN COURTS WILL NOT  
ENTERTAIN A CASE ARISING OUT OF AN ILLEGAL ACTION,  
SUCH AS THE POSSESSION OF MARIJUANA WHICH, IN BOTH THE  
UNITED STATES AND MEXICO, IS ITSELF PROSCRIBED BY LAW.)

5. BAEZA CONTINUED THAT IT SHOULD BE CLEARLY UNDER-  
STOOD THAT MEXICO TOOK A FIRM DECISION TO COMBAT  
CRIMES AGAINST HEALTH SUCH AS NARCOTICS AS A DEMON-  
STRATION OF ITS OWN CONCERN AND NOT DUE TO OUTSIDE  
PRESSURES. HERBICIDE USE, HE SAID, IS A DECISION OF  
THE GOM AND IS PURCHASED WITH GOM FUNDS. THE ERADICA-  
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TION CAMPAIGN "WILL CONTINUE WITH OR WITHOUT USG ASSIS-  
TANCE BECAUSE IT IS A REASONED DECISION OF A SOVEREIGN

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-----130892 052011Z /41/17

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TO SECSTATE WASHDC 9290

C O N F I D E N T I A L SECTION 02 OF 02 MEXICO 05439

C O R R E C T E D C O P Y (PARA 6 LINE 7 AND PARA  
8 LINE ONE)

GOVERNMENT IN CONFORMITY WITH A VOLUNTARY COMMITMENT  
TO THE INTERNATIONAL COMMUNITY." HE NOTED THAT MEXICO'S  
NARCOTICS CONTROL PROGRAM COSTS THE GOM LIVES OF ITS  
OFFICIALS AND MONEY IT COULD USE ELSEWHERE, AND CAUSES

AN ADVERSE SOCIO-ECONOMIC IMPACT IN THE PRODUCING AREAS WHERE NARCOTICS ARE FREQUENTLY THE ONLY CASH CROP. BUT, HE ADDED, THE GOM HAD FULLY CONSIDERED THESE FACTORS AND HAD NONETHELESS TAKEN THE DECISION TO PURSUE THE ERADICATION PROGRAM USING HERBICIDES. FURTHERMORE, THE GOM HAS COMMISSIONED A STUDY TO DETERMINE WHAT ACTIONS IT MIGHT TAKE TO ALLEVIATE THE ECONOMIC DISLOCATION WHICH THE ERADICATION CAMPAIGN MIGHT PRODUCE. (FYI: SUMMARY OF STUDY WAS LATER GIVEN TO ARELLANO BY BAEZA.)

6. ALBA-LEYVA THEN ASKED THE TECHNICIANS PRESENT TO BRIEF THE MEETING ON THE SPECIFIC HERBICIDES SELECTED. ZAPATA-IBARRA SAID THAT THE GOM HAD FIRST EXAMINED VARIOUS WAYS TO DESTROY ILLICIT PLANTS AND HAD TESTED MANY OPTIONS FROM MANUAL DESTRUCTION TO BURNING TO HERBICIDES. ONCE HERBICIDE USE IN GENERAL HAD BEEN CONFIDENTIAL

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APPROVED, AN A WIDE VARIETY OF HERBICIDES WAS TESTED. PARAQUAT WAS SELECTED FOR USE AGAINST MARIJUANA BECAUSE IT WAS THE ONLY HERBICIDE WHICH EFFECTIVELY KILLED THE PLANTS AND LEFT NO RESIDUAL EFFECTS WHICH WOULD PREVENT A FARMER FROM IMMEDIATELY PLANTING A LICIT CROP SUCH AS CORN OR BEANS. HE NOTED THAT PARAQUAT IS WIDELY USED IN MORE THAN 90 COUNTRIES TO ELIMINATE NOXIOUS WEEDS AMONG LEGITIMATE CROPS OR TO FACILITATE HARVESTING. HE DESCRIBED PARAQUAT AS A CONTACT HERBICIDE WHICH ATTACKS THE CIRCULATORY SYSTEM OF THE MARIJUANA PLANT, DISPLAYING EFFECTS ON THE PLANT WITHIN THREE HOURS, YET WHICH IS EASILY DEGRADABLE BY SUNLIGHT, WIND, OR WATER, AND WHICH LOSES ALL ACTIVITY ON CONTACT WITH SOIL.

7. AT THIS POINT ALBA-LEYVA REFERRED TO A UNITED NATIONS DOCUMENT DATED 27 OCTOBER 1976 ON THE USE OF HERBICIDES ON ILLICIT CROPS IN WHICH IT WAS REPORTED THAT PARAQUAT AS USED FOR THIS PURPOSE HAD BEEN FOUND LESS TOXIC THAN ASPIRIN OR CAFFEINE. ALBA-LEYVA ADDED THAT ON SEVERAL OCCASIONS THE UNITED NATIONS HAD ASKED MEXICO TO PROVIDE ITS EXPERTS TO VARIOUS UN CONFERENCES ON THIS SUBJECT. THE ICI REPRESENTATIVE NOTED THAT HIS FIRM HAD PROVIDED EXTENSIVE INFORMATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY ON PARAQUAT AND THAT HIS FIRM'S REPRESENTATIVES IN THE UNITED STATES WOULD CERTAINLY BE WILLING TO HELP THE USG DEFEND AGAINST THE NORML SUIT.

8. MARKS ASKED IF, AS ONE OPTION, MEXICO WOULD COOPERATE IN A JOINT EVALUATION OF ALTERNATIVES SHOULD THE USG

BE REQUIRED TO PREPARE A U.S. DOMESTIC ENVIRONMENTAL  
IMPACT STATEMENT. ALBA-LEYVA REPLIED THAT NEITHER  
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HE NOR ANY OTHER PARTICIPANT IN THE MEETING COULD ADDRESS  
THAT QUESTION, ADDING THAT IT WOULD REQUIRE DIPLOMATIC  
CONSULTATIONS AND A DECISION AT THE HIGHEST LEVELS OF  
THE MEXICAN GOVERNMENT.

9. THE POSSIBILITY OF ADDING A DYE TO THE HERBICIDE WAS  
DISCUSSED, BUT THE MEXICAN OFFICIALS PRESENT DISCOUNTED  
THE ACCEPTABILITY OF THAT SOLUTION, NOTING THAT THE USE  
OF DYE ITSELF COULD, IN THE TERMS OF THE NORML SUIT,  
REQUIRE AN ENVIRONMENTAL IMPACT STATEMENT.

10. ALBA-LEYVA NOTED THAT THE ALLEGATIONS IN THE  
NORML SUIT WERE SUSPECT SINCE THE GOM EMPLOYEES IN-  
VOLVED IN THE ERADICATION CAMPAIGN HAD BEEN EXPOSED  
TO PARAQUAT FOR TWO YEARS IN FAR GREATER CONCENTRA-  
TION THAN MIGHT BE PRESENT IN SMOKED MARIJUANA, AND  
THAT CONTINUED EXAMINATIONS OF THESE EMPLOYEES HAD  
REVEALED NO ILL EFFECTS. HE AND OTHER MEXICAN PARTI-  
PANTS WERE EXCEEDINGLY CRITICAL OF THE HEW STUDY AND  
PRESS RELEASE THAT PRECIPITATED THE NORML SUIT NOTING  
THAT IT WAS SUPERFICIAL, EXCEEDINGLY SPECULATIVE, AND  
HARDLY SCIENTIFIC ENOUGH ON WHICH TO BASE POLICY DECI-  
SIONS. LUCEY

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## Message Attributes

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**Decaption Date:** 01 jan 1960  
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**Disposition Approved on Date:**  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014